

STAND. COM. REP. NO. 2386

Honolulu, Hawaii

FEB 14 2014

RE: S.B. No. 2222
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Madam:

Your Committees on Commerce and Consumer Protection and
Judiciary and Labor, to which was referred S.B. No. 2222 entitled:

"A BILL FOR AN ACT RELATING TO FLAVORED TOBACCO PRODUCTS,"

beg leave to report as follows:

The purpose and intent of this measure is to prohibit the
sale, offering for sale, or distribution of any flavored tobacco
product, including menthol products and electronic smoking
devices, within the State beginning on January 1, 2015.

Your Committees received testimony in support of this measure
from the Department of Health, American Lung Association of the
Mountain Pacific, The Queen's Health Systems, Coalition for a
Tobacco-Free Hawai'i, REAL: Hawaii Youth Movement Exposing the
Tobacco Industry, and numerous individuals. Your Committees
received testimony in opposition to this measure from the Hawaii
Food Industry Association; Cigar Association of America, Inc.;
Hawaii Smokers Alliance; Aloha Petroleum, Ltd.; ABC Stores; Minit
Stop Stores; Volcano Fine Electric Cigarettes; Vaping Dragon; and
numerous individuals.

Your Committees find that public health experts have
expressed concerns over the growing popularity of flavored tobacco
products. Youth are attracted to flavored tobacco products
because these products are cheap, sweet, and sold in a variety of
kid-friendly flavors. Flavors can mask the natural harshness and
taste of tobacco, which makes flavored tobacco products easier to
use and increases their appeal among new users.

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Your Committees further find that nationwide, menthol cigarette use among smokers is more common among young people, those aged twelve through twenty-five, than among older age groups. Hawaii's overall menthol use is higher than any other state, and menthol cigarettes are a popular choice among the State's youth, Asian-Americans, and Native Hawaiians. Your Committees additionally find that a report from the federal Food and Drug Administration's Tobacco Products Scientific Advisory Committee indicated that menthol cigarettes cause smoking initiation among youth and young adults, lead to greater addiction, and make it more difficult for smokers to quit.

Your Committees have heard the concerns expressed in testimony about including electronic smoking devices within the flavored tobacco products prohibited by this measure. It is your Committees' understanding that not all refill cartridges for electronic smoking devices contain nicotine. Some refill cartridges contain flavor only, although users of electronic smoking devices typically use these flavor cartridges in conjunction with nicotine. Nicotine is a poison and highly addictive, and your Committees are especially concerned about the potential for increased youth experimentation with electronic smoking devices containing nicotine that could lead to life-long nicotine addiction.

Although your Committees find that regulation over electronic smoking devices is needed, your Committees acknowledge that this measure may not be the best vehicle to achieve this regulation. Your Committees find that this measure should be limited to a prohibition on flavored tobacco products, including menthol, but note that regulation of electronic smoking devices will be considered via another measure.

Accordingly, your Committees have amended this measure by:

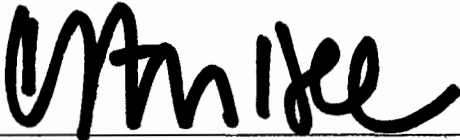
- (1) Deleting a definition of "electronic smoking device" and making conforming amendments to the definitions of "component part" and "tobacco product"; and
- (2) Amending the purpose section for clarity.

As affirmed by the records of votes of the members of your Committees on Commerce and Consumer Protection and Judiciary and Labor that are attached to this report, your Committees are in

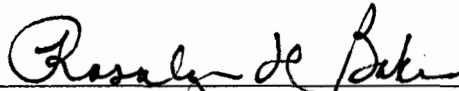


accord with the intent and purpose of S.B. No. 2222, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2222, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committees on Commerce and
Consumer Protection and
Judiciary and Labor,



CLAYTON HEE, Chair



ROSALYN H. BARER, Chair

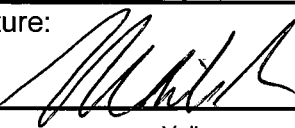


Record of Votes
Committee on Commerce and Consumer Protection
CPN

*Only one measure per Record of Votes

The Senate
Twenty-Seventh Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* <div style="font-size: 1.2em; font-family: cursive;">SB 2222</div>	Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">CPN/JDL, WAM</div>	Date: <div style="font-size: 1.2em; font-family: cursive;">2/11/14</div>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312 </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310 </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313 </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile S.L. (VC)	✓			
GABBARD, Mike		✓		
GALUTERIA, Brickwood	✓			
IHARA, Jr., Les	✓			
SOLOMON, Malama	✓			
SLOM, Sam			✓	
TOTAL	5	1	1	
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: <div style="font-size: 1.5em; font-family: cursive; margin-top: 10px; text-align: center;">  </div>				
<div style="display: flex; justify-content: space-between; font-size: 0.8em;"> <div>Distribution:</div> <div> Original File with Committee Report </div> <div> Yellow Clerk's Office </div> <div> Pink Drafting Agency </div> <div> Goldenrod Committee File Copy </div> </div>				

*Only one measure per Record of Votes